



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Review of City Sidewalk Replacement Policies and Downtown Sidewalks

MEETING DATE: May 5, 1999

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council discuss and give Public Works staff direction on City sidewalk replacement policies, including Downtown sidewalks with basement access doors.

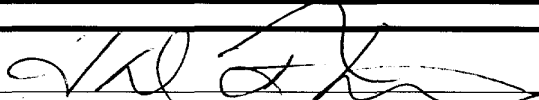
BACKGROUND INFORMATION: The City has received a request from a Downtown property owner to replace sidewalk along their frontage, which involves a set of basement access doors. This request was prompted by a City directive to the property owner to repair the sidewalk after we received a hazardous-condition report. This request has raised a number of policy issues.

The City generally replaces public sidewalks under two circumstances. The first is when sidewalk is replaced as part of a capital improvement project. This can range in extent from a major street-widening project to something as simple as installing a ramp at an intersection. The second is when replacements are done as part of our street and tree maintenance program. This maintenance work is guided by the policy statement shown in Exhibit A. This policy is the City's implementation of California State Streets and Highways Code Section 5610, which places sidewalk maintenance responsibility on the property owner, but relieves the property owner of this responsibility under certain circumstances.

When the City receives a sidewalk liability claim or is put on notice of a hazardous condition, we check the location versus the policy to see who should pay for any necessary repairs. The work done in the Downtown Revitalization Project fell under the first circumstance. The project included replacing the entire sidewalk on five blocks of School Street, and involved eleven sets of basement doors. The City received approval from eight property owners to abandon those doors. The remaining three were replaced as part of the project. The cost to abandon the eight was about \$22,000. The cost to replace three sets of doors was \$18,000. This cost was included in the overall project, which was funded by the City and the property owners; it was not charged to the specific property owners. (One location also involved dealing with a large portion of a basement at the Hotel Lodi, which extended out from the building. The property owner was directed to modify the basement to remove that portion at his expense and the City replaced two sets of doors at the Hotel.)

As we look toward future capital improvement projects in the Downtown area, we have identified thirteen additional basement doors and at least one location where a basement extends under the sidewalk with no access door (Exhibit B). (We were alerted to this location when the tenant complained about leakage from the street into the basement.) There may well be other locations where this encroachment occurs. Based on the Downtown project prices, replacing the doors alone would cost roughly \$78,000. Staff, on

APPROVED:


H. Dixon Flynn -- City Manager

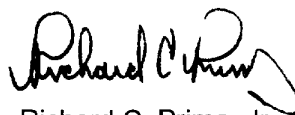
one hand, feels the taxpayers should not subsidize an individual circumstance such as this. On the other hand, the Downtown Revitalization effort is a community project and financial assistance in improving sidewalks, including these doors, would be consistent with the Revitalization Program. In light of the above, staff is formulating a policy with the following elements for Council consideration:

- 1) New basement encroachments into the sidewalk area are prohibited.
- 2) Existing basement encroachments shall either be abandoned by the property owner or be covered by an encroachment permit, issued administratively, in which the property owner assumes maintenance responsibilities and provides standard insurance coverage and certificates.
- 3) When the City initiates replacement of adjacent curb, gutter and/or sidewalk as part of a capital improvement project, or under the maintenance conditions described in the City's sidewalk repair policy, the City shall bear the cost of resetting serviceable basement access doors. The property owner shall provide a new door set, if necessary, and a structural "roof" for additional basement encroachments on which the City can install sidewalk. As an option, if the property owner elects to have a basement access/encroachment abandoned, the City will remove the access, backfill, and replace sidewalk if the property owner provides the necessary wall at the building foundation.
- 4) When the City initiates replacement due to conditions which are the property owner's responsibility under the maintenance conditions described in the City's sidewalk repair policy, the property owner shall bear all costs for repairs except if the property owner abandons the basement access, then the City will participate as in 3) above.

In addition, the Council may wish to grant some special consideration for properties on Pine and Oak streets between Church and Sacramento streets. These properties were included in Zone A of the Downtown Assessment District but these streets were not improved to the same level of detail as School Street. To accommodate this, staff suggests the following additional policy statement:

- 5) The City Manager may authorize a one-time replacement of basement access doors, at City expense, in conjunction with circumstances described above, provided the property owner complies with Section 2 above.

FUNDING: Street Fund



Richard C. Prima, Jr.
Public Works Director

RCP/lm

Attachments

cc: Street Superintendent
DLBP – Alan Goldberg
Jim and Nancy Waitley, Property Owner, 21 W. Pine St.



CITY OF LODI

PUBLIC WORKS DEPARTMENT

POLICIES AND
PROCEDURES

STREETS - 6

CURB, GUTTER & SIDEWALK REPAIR POLICY

4/5/95

I. NOTICE AND ACTION

- A. Property owners or tenants have the responsibility to report to the City of Lodi all defective curb, gutter and sidewalk fronting their property. (For purposes of this Policy, sidewalk includes portions of driveways within the right of way.)
- B. The Street Superintendent will inspect and classify sidewalk repairs for action per this Policy. Generally, offsets or other defects less than 3/4" are considered minor and require no further action.

II. SIDEWALK REPAIR

- A. TEMPORARY PATCHING - The City shall place a temporary patch on sidewalks where there is 3/4" - 1 1/2" vertical offset or minor irregularities. This will be done at no charge to the property owner. The property owner or tenant has the responsibility to notify the City of any change in the condition of the sidewalk or the patched area.
- B. SIDEWALK REPLACEMENT - When vertical offset is greater than 1 1/2", sidewalks shall be processed for removal and replacement on a priority basis. These areas will also be temporarily patched until replaced.
 - 1. Sidewalk replacement at City expense is done under the following conditions:
 - a. Damage caused by City-maintained trees. (City-maintained trees are only those trees located in the parkways between the curb and sidewalks or those fronting City-owned property.)
 - b. Damage due to City utility cuts
 - c. Damage due to heat expansion
 - 2. Property owner shall replace sidewalk where the hazardous condition is caused by something other than the above categories. The property owner shall have a licensed contractor do the work within a prescribed time. If, after formal notice by the City, the repairs are not completed within that time, the City shall make the repairs and assess the property owner.

III. CURB AND GUTTER MAINTENANCE

- A. Curb and gutter which is damaged by City-maintained trees, City utility cuts or heat expansion will normally be replaced by the City at the time damaged sidewalk is replaced or with street improvement projects.
- B. Curb and gutter which is damaged by property owner's trees shall be replaced by the property owner at their expense.

IV. TREE MAINTENANCE

- A. The City shall be responsible for root surgery on all City-maintained trees where it is required. City shall remove City-maintained trees when required under City's adopted Tree Policy. This work will be done in conjunction with the replacement of the sidewalk and/or the curb and gutter.
- B. Root surgery on privately-owned trees is the responsibility of the property owner.

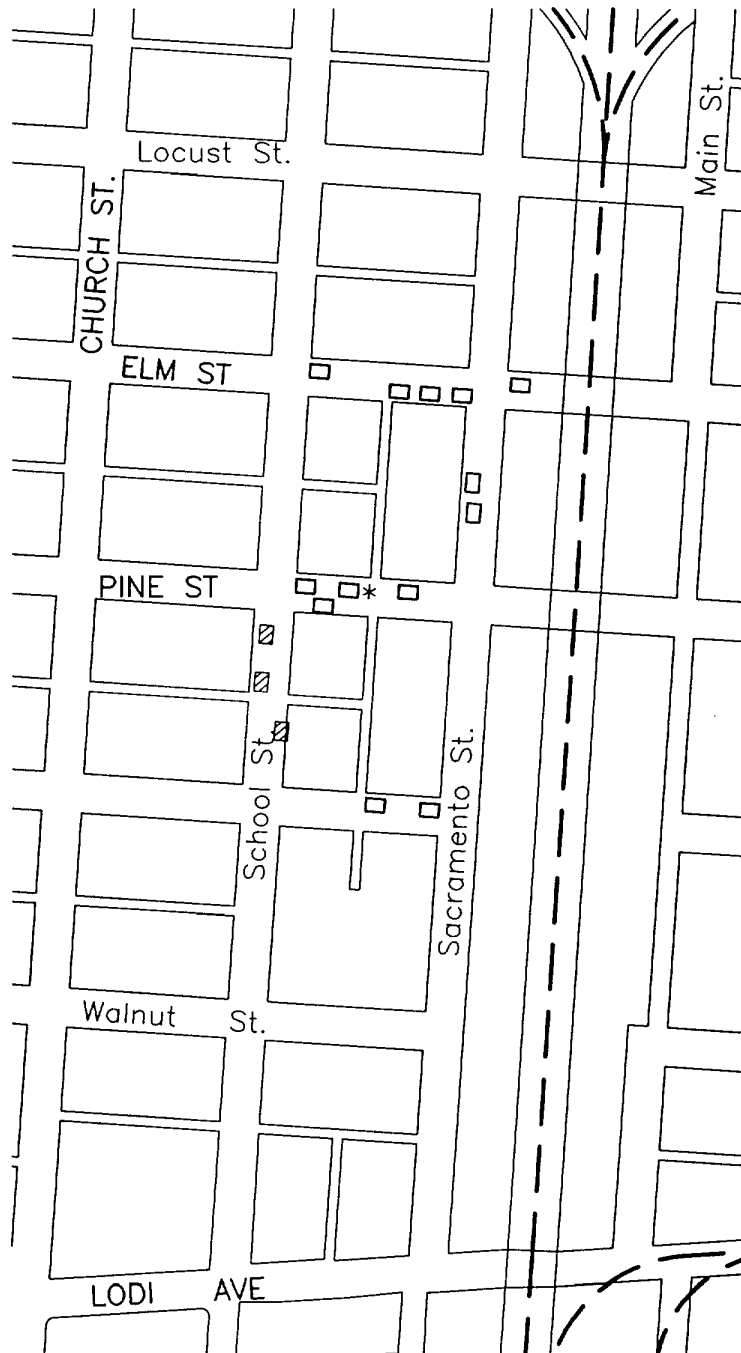
Resolution 95-48 adopted by the City Council at its meeting of April 5, 1995.


 Jack L. Ronsko
 Public Works Director



CITY OF LODI
PUBLIC WORKS DEPARTMENT

**CENTRAL CITY
BASEMENT ACCESS DOORS
IN SIDEWALK**



- ☐ Basement doors yet to be replaced
- ☒ Basement doors already replaced on School St
- * Abramson printing basement under sidewalk

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- 2) Existing basement encroachments shall either be abandoned by the property owner or be covered by an encroachment permit, issued administratively, in which the property owner assumes maintenance responsibilities and provides standard insurance coverage and certificates.
- 3) When the City initiates replacement of adjacent curb, gutter and/or sidewalk as part of a capital improvement project, or under the maintenance conditions described in the City's sidewalk repair policy, the City shall bear the cost of resetting serviceable basement access doors. The property owner shall provide a new door set, if necessary, and a structural "roof" for additional basement encroachments on which the City can install sidewalk. As an option, if the property owner elects to have a basement access/encroachment abandoned, the City will remove the access, backfill, and replace sidewalk if the property owner provides and pay for the necessary wall at the building foundation.
- 4) When the City initiates replacement due to conditions which are the property owner's responsibility under the maintenance conditions described in the City's sidewalk repair policy, the property owner shall bear all costs for repairs except if the property owner abandons the basement access, then the City will participate as in 3) above.
- 5) The City Manager may authorize a one-time replacement of basement access doors, at City expense, in conjunction with circumstances described above within Zone A-1 of the Lodi Central City Revitalization Assessment District, 95-1, provided the property owner complies with Section 2 above.

CITY COUNCIL

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April 29, 1999

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Downtown Lodi Business Partnership
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246 Almond Drive
Lodi, CA 95240

SUBJECT: Review of City Sidewalk Replacement Policies and Downtown Sidewalks

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, May 5, 1999. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street. This item was originally scheduled for the April 27, 1999, Shirtsleeve Session.

This item is on the regular calendar for Council discussion. You are welcome to attend.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Alice Reimche, City Clerk, at 333-6702.

If you have any questions about the item itself, please call me at 333-6759.



Richard C. Prima, Jr.
Public Works Director

RCP/lm

Enclosure

cc: City Clerk ✓